

REMARKS

Claims 6-21 are pending in the application. Claims 6-9 are independent claims. Claims 1-5 have been cancelled without prejudice or disclaimer. Support for claims 6-21 can be found in the specification on page 1, line 21 – page 26, line 7.

Although no official action has been taken regarding new claims 6-21, these claims define the same or similar subject matter and contain many of the same terms as the original claims that were examined and were the subject of the Office Action dated May 18, 2006. To expedite prosecution of the subject application, Applicants will address the objections raised in the Office Action to the extent that they pertain to the new claims. Applicants respectfully traverse the rejections in the Office Action.

As suggested by the Examiner, Applicants have reviewed the foreign priority documents. The US filing receipt and International Application filed under the PCT correctly list four priority documents: British application numbers 0207278.3, 0207281.7, 0207275.9, and 0207282.5. A priority claim to 0207278.3 is missing in the oath and declaration filed September 27, 2004. The inventor declaration is in the process of being corrected to include a priority claim to all four British applications, including 0207278.3, and will be filed once completed.

The abstract of the disclosure is objected to because a formula of the overall structural makeup of the invention is missing under the requirements of the Manual of Patent Examining Procedure §608.01(b). The abstract has been amended to include the structural formula of the invention.

Previously pending claims 1-4 were rejected under 35 U.S.C. 112 (first and/or second paragraphs). The cancellation of claims 1-4 renders these Section 112 rejections moot.

The Examiner rejected previously pending claims 1, 3 and 4 under 35 U.S.C. 112, first paragraph, alleging that the specification did not reasonably provide enablement for “solvates”. Applicants respectfully submit that the scope of solvates of this invention is not indefinite. A skilled person in the art would know and understand that by using known techniques he or she could make solvated forms of many of the claimed compounds by screening them against a variety of solvents. Please refer to “Solid-State Chemistry of Drugs” by Byrn et al. Tables 11.1 and 11.2 (in attached IDS) which identifies a large number of drugs that form solvates. In addition, Table 11.3 lists a number of solvents which a skilled person could use to make a solvated form of a drug. Because the knowledge of how to make

Serial No.: 10/509,077
Group Art Unit No.: 1624

solvated forms of organic compounds is known to those skilled in the art, Applicants respectfully submit that the solvates of the compounds of this invention are enabled.

Previously pending claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bernotas (US'030 A1) and Johannson (US'210 A1). Independent claims 6-9 correspond to the subject matter disclosed in each of the individual priority documents, namely British application numbers 0207278.3, 0207281.7, 0207275.9, and 0207282.5. By virtue of this amendment, the current pending claims benefit from the priority date of March 27, 2002 afforded by these priority documents. As such, Bernotas (US'030 A1) and Johannson (US'210 A1) are no longer prior art under Section 103.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the subject application is in condition for allowance. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned agent to resolve such issues and advance the case to issue.

Respectfully submitted,

/AlysonWKeating/

Alyson Wooten Keating
Agent for Applicant
Registration No. 58,045

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5042
Facsimile (610) 270-5090
N:\AWK\patapps\P32718\Draft ROA 6-15-06.doc